

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, JUNE 13, 2005
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Please see the regular meeting Open Session Agenda to determine when such matters may be heard.**

The City Council will meet in Closed Session immediately following the conclusion of the regular open session meeting on Monday, June 13, 2005, and may continue into Tuesday, June 14, 2005.

CS-1 *George Amancio et al. v. City of San Diego*
Claim No. LP05-0705-0728

DCA assigned: A. Jones

This is a claim for a sewer main backup which flooded two apartments of a four-unit complex at 3730 Swift Avenue. In closed session, the City Attorney will brief the Mayor and City Council on the matter and discuss a possible settlement.

CS-2 *Kari Livingstone, et al. v. City of San Diego*
Claim Nos. LP05-7773-0596; LP05-7773-0597

DCA assigned: A. Jones

This is a claim for a water main break which caused flood damage to the real and personal property of residents on Galveston and Tonopah Streets in Bay Park. In closed session, the City Attorney will brief the Mayor and City Council on the matter and discuss a possible settlement.

CS-3 *Border Business Park v. City of San Diego*

Appellate Case No. D039225; SDSC Case No. GIC 692794

Otay Acquisitions v. City of San Diego

SDSC Case No. GIC 753247

National Enterprises, Inc. v. City of San Diego

SDSC Case Nos. GIC 791407; GIC 805465

ACA assigned: L. Girard

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego [City] regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. The Border Business Park case has been referred to a mediation process in the appellate court. In closed session the City Attorney will report on the status of the mediation and request appropriate direction.

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-4 Number of Cases: One

DCA assigned: D. McGrath

In Closed Session the City Attorney will advise Mayor and Council on the potential initiation of litigation.